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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,693	08/14/2001	Kuocheng Wu	FAM 137	8076

7590 09/10/2004

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EXAMINER

HO, TUAN V

ART UNIT PAPER NUMBER

2615

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,693	WU ET AL.	
	Examiner	Art Unit	
	Tuan V Ho	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammack et al (US 6,088,053).

With regard to claim 1, Hammack et al discloses in Fig. 2, digital record and replay binoculars that comprises the two body tubes (monocular components 12a and 12b inherently includes objective lenses, col. 3, lines 23-24), eyepiece (eyepieces 18, col. 3, line 25), prism (a prism disposed between the objective lens and the eyepiece is inherently in monocular elements 12a or 12b since the prism is used to bend light rays in according a desired directions so as to shorten the length of the monocular elements), digital image storage unit (digital video camera 15

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comprises circuit board 44 including a processing system, where the system comprises PC card 42 located inside the camera; noted that video camera 15 is disposed between the tubes 12a and 12b, col. 3, line 15 and line 66), image sensor (image processor 48 inherently includes an image sensor so as to provide image signal to signal processor 50, col. 4, lines 21-33), shutter key (record button 30, col. 3, line 53), driver and microprocessor (driver is inherent in the image processor 48 since it is used to drive the sensor and readout image signals and microprocessor 46 compresses image data and stores in video cache RAM 46 and PC card 42, col. 4, lines 28-37), parallel optical axis (video camera 15 has lens 21 including an optical axis that is parallel to two monocular elements 12a and 12b as shown in Fig. 2; thereby the camera can take an image observed by a user with binoculars 12).

With regard to claim 3, Hammack et al discloses in Fig. 2, digital record and replay binoculars that comprises the image taken is output to a personal computer via a universal serial bus (Hammack et al discloses that the camera is connected to a personal computer, col. 6, lines 32-34; noted that a universal serial bus is inherent in a personal computer so as to transfer image data with a high speed).

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammack et al in view of Fukuoka (US 5,754,227).

With regard to claim 2, Hammack et al discloses the same subject matter as discussed with respect to claim 1, except that the audio signal processing system including a microphone, D/A converter and compressed audio signal.

Hammack et al does not explicitly disclose any microphone, A/D converter and compressed audio signal; however, Fukuoka teaches using an electronic camera; where the camera comprises a microphone, A/D converter and audio data compression circuit so as to generate compressed digital audio signals and store in a memory card in order to maximized the storage space of memory card 9, col. 4, lines 54-67 and col. 5, lines 1-8).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the audio processing system of Fukuoka in video camera 15 of Hammack et al in order to obtain compressed audio signals that is stored in PC card 42. That is because the implementation of the audio processing system of Fukuoka in the video camera of Hammack et al would allow a user to store audio signals in accordance with video signals in the PC card and thereby to provide more details of an object image in for future uses.

With regard to claim 4, Hammack et al discloses the same subject matter as discussed with respect to claims 1 and 2, except that the image and audio signal received by the sigital image storage unit are output to a personal computer.

In the combination of Hammack et al and Fukuoka the camera 15 is able to record video and audio signals. Thus, there is inherently included a circuit that can transfer the audio and video signals to the personal computer.

With regard to claims 7 and 8, Hammack et al discloses the same subject matter as discussed with respect to claim 1, except that the mid-range scene about 50 to 200 meters, plastic lens, magnification power 5X to 8X, aperture within range from 15-25mm, ratio of filed of view 4:3, diagonal view angel within the range from 5-7 degrees as claimed in claim 7, and the ratio of

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4:3 is the same for the rectangular field of view and image sensor as claimed in claim 8.

Official Notice is taken for the mid-range scene about 50 to 200 meters, plastic lens, magnification power 5X to 8X, aperture within range from 15-25mm, ratio of field of view 4:3, diagonal view angle within the range from 5-7 degrees as claimed in claim 7, and the ratio of 4:3 is the same for the rectangular field of view and image sensor as claimed in claim 8.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the binocular system of Hammack et al in view of Fukuoka so as to have the binocular system that includes the mid-range scene about 50 to 200 meters, plastic lens, magnification power 5X to 8X, aperture within range from 15-25mm, ratio of field of view 4:3, diagonal view angle within the range from 5-7 degrees as claimed in claim 7, and the ratio of 4:3 is the same for the rectangular field of view and image sensor as claimed in claim 8. That is because the modification of the Hammack and Fukuoka binocular system would allow a user to operate a binocular system and record video images under standard system and thereby to easily transfer data to a computer and less expensive to fabricate.

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4. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamazaki'027 discloses an binocular that includes a film camera located parallel to the binocular tubes.

Yamazaki'943 discloses a binocular system that includes a prism in a monocular tube.

Silverbrook discloses am binocular that includes a CCD camera and printer.

Heintz discloses a binocular system that includes a digital camera.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

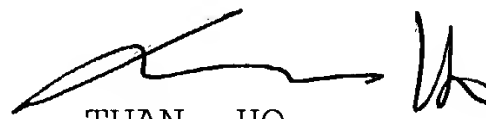
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the

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organization where this application or proceeding is assigned is

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



TUAN HO

Primary Examiner

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